

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Barberton City School District	)	File No. SLD-288746
Barberton, Ohio	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

**ORDER**

**Adopted: April 29, 2003**

**Released: April 30, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed on behalf of Barberton City School District (Barberton), Barberton, Ohio.<sup>1</sup> Barberton requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>2</sup> For the reasons set forth below, we grant the Request for Review and remand to SLD for processing in accordance with this Order.

2. In its decision, SLD reduced funding for Funding Request Number 824902 because it determined that a group of the items identified as Internet Protocol Management Services were ineligible items for discounts.<sup>3</sup> SLD interpreted the request for Internet Protocol Management Services items as one for internal connections, which would not be eligible for

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<sup>1</sup> Letter from David O'Connor, Holland & Knight LLP, on behalf of Barberton City School District, to Federal Communications Commission, filed August 1, 2002 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>2</sup> Request for Review.

<sup>3</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Nancy Barker, Barberton City School District, dated June 3, 2002, at 7 (Funding Commitment Decision Letter).

discounts under that category of service.<sup>4</sup> The application stated that Internet Protocol Management Services items include data transmission, address translation, protocol conversion, billing management, introductory information content and navigational systems and would be used for Internet access.<sup>5</sup> Barberton argues that, among other things, SLD should be reversed because such items were determined to be eligible under the Internet access category of service in the Commission's *Universal Service Order*.<sup>6</sup> We agree.<sup>7</sup> Because we find that granting the Request is warranted based on these grounds, we need not address the other arguments raised in the Request for Review.

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed on behalf of Barberton City School District, Barberton, Ohio on August 1, 2002 IS GRANTED and the application is REMANDED to SLD for further action consistent with this Order.

#### FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>4</sup> See SLD website, Eligible Services List, 22 (December 29, 2000) <<http://www.sl.universalservice.org/reference/eligible.asp>>. There are three categories of service for requests from the schools and libraries universal service support mechanism: telecommunications services, Internet access, and internal connections.

<sup>5</sup> FCC Form 471, Barberton City School District, filed January 15, 2002 (Attachment 5).

<sup>6</sup> Request for Review at 5. See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776 (1997) (*Universal Service Order*) (subsequent history omitted).

<sup>7</sup> See *Universal Service Order*, 12 FCC Rcd at 9013, para. 444 (concluding that "eligible schools and libraries will be permitted to apply their relevant discounts to information services provided by entities that ... may include data transmission, address translation, protocol conversion, billing management, introductory information content, and navigational systems that enable users to access information services that do not affect the presentation of such information services to users").